

BC  
Cont

a retaining rod being circular in cross-section and configured to be connected to the backrest shield via a movable connection so as to be tiltable by up to approximately 30° in a vertical plane vertically with respect to a backrest surface of the backrest; and

As

a guide sleeve being circular in cross-section and being mounted on the retaining rod so as to be slidingly shiftable by up to approximately 200 mm on the retaining rod,

wherein the guide sleeve includes roller bearing elements and a stop pin, the roller bearing elements aiding a sliding movement of the guide sleeve on the retaining rod, and the stop pin limiting a travel path of the guide sleeve on the retaining rod due to a stop on a stop lug of the retaining rod.

5. (Canceled).

#### REMARKS

Favorable reconsideration of this application, in light of the present amendment and the following discussion, is respectfully requested.

Claims 1-4 remain pending in this application, claim 5 having been canceled, without prejudice or disclaimer, and claims 2-4 having been amended, by the present amendment.

In the outstanding Office Action, the disclosure was objected to for certain informalities, claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by *White*, claims 2 and 4 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and it was noted that claim 3 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

Applicants have proposed drawing corrections to amend Figs. 1, 2, and 3 by inserting reference character --N-- to represent the neckrest, which as stated on page 3, lines 11 and 12, of the specification, is a combination of the retaining rod 3, the guide sleeve 4, and the headrest 5.

In addition, the specification has been amended on page 3, lines 12 and 16 and page 4, lines 21 and 22, to insert the reference character --N-- after the word "neckrest," on page 5, line 12, to change "List of Reference Numerals" to --List of Reference Characters-- for accuracy, and on page 6, line 9, to insert the reference character and word --N Neckrest-- into the List of Reference Characters for completeness.

The specification was also amended on page 4, lines 9-17, to describe that the retaining rod (3) and the guide sleeve (4) are curved along their length at the same radius of curvature so that when the guide sleeve (4) is slid up and down on the retaining rod (3), the headrest (5) moves in a curved path according to the radius of curvatures of the retaining rod (3) and guide sleeve (4) as is clearly shown by the original disclosure of the drawing figures 1 and 2. Applicants respectfully submit that because the drawing figures are as much a part of the original disclosure as the text in the specification and claims, and because the original disclosure of drawing figures 1 and 2 clearly shows that the retaining rod (3) and the guide sleeve (4) are curved along their length at the same radius of curvature, Applicants' amendment to the specification does not add new matter.

Applicants respectfully submit that the proposed drawing changes and the amendments to the specification do not add new matter. Based on the foregoing, Applicants respectfully request withdrawal of the objection to the disclosure for certain informalities, and approval of the proposed drawing changes.

Claim 5 has been canceled, without prejudice or disclaimer and claims 1-4 have been amended. More particularly, claims 2 and 4 have been amended to include the subject matter of claim 1 as has already been noted in the Office Action would be allowable. Claim 3 has been amended to change the recitation of "polyurethane rubber or PUR material" to --polyurethane rubber (PUR) material-- which is believed to overcome the indefiniteness rejection under 35 U.S.C. § 112, second paragraph.

Applicants respectfully submit that the amendments to claims 2-4 do not add new matter. Applicants also respectfully submit that amended claim 3 is directly dependent upon amended claim 2 so that arguments serving to patentably distinguish amended claim 2 from the prior art of record are available, among others, to patentably distinguish amended claim 3. Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, as being indefinite, and allowance of amended claims 2-4.

Claim 1 has been amended to recite that both the retaining rod (3) and the guide sleeve (4) are curved along their lengths at a same predetermined radius of curvature so that when the guide sleeve (4) is slid on the retaining rod (3), the headrest (5) is moved along a curved path according to the predetermined radius of curvature of the retaining rod (3) and the guide sleeve (4) as is clearly shown by the original disclosure of drawing figures 1 and 2.

Applicants respectfully submit that the amendments to claim 1 have overcome the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by *White* for the following reasons.

As a quick synopsis of the applied prior art reference, Applicants refer to independent claim 1 of *White*, as follows:

*White* discloses a headrest adjustable vertically, laterally, and longitudinally on its support relative to the back of the chair.

*White* fails to teach or suggest, as is now recited in amended claim 1, a chair having a retaining rod and a guide sleeve that are both curved along their lengths at a same predetermined radius of curvature so that when the guide sleeve is slidingly shifted on the retaining rod, a headrest moves along a curved path according to the predetermined radius of curvatures of the retaining rod and the guide sleeve.

Applicants respectfully submit that the curved nature of the retaining rod and guide sleeve is a very important feature of the present invention since it allows the headrest to move in a curved path and thus, the headrest is adjustable in a very favorable manner in contrast to the headrest disclosed in *White* which can only move linearly up and down.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection of the claim 1 under U.S.C. § 102(b) as being anticipated by *White*, and allowance of amended claim 1.

In view of the foregoing, claim 1-4 are believed to be in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

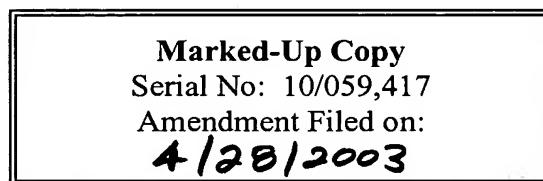
*Gay Ann Spahn*

Gregory J. Maier  
Registration No. 25,599  
Attorney of Record  
Gay Ann Spahn  
Registration No. 34,978



**22850**

GJM/GAS:kad  
Phone No.: (703) 413-3000;  
Fax No.: (703) 413-2220; and  
E-mail Address: gspahn@oblon.com  
I:\atty\gas\218314\Amdt Due 4 28 03.wpd



**IN THE SPECIFICATION:**

Please amend the specification, as follows:

Page 3, line 11 through page 4, line 4, please amend the paragraphs, as follows:

Fig. 1 depicts an office chair 11, which contains the familiar lower base, a seat, and a backrest. The neckrest N of the present invention includes a retaining rod 3, a guide sleeve 4, and a headrest 5 and is attached on the back of the backrest. The backrest and the seat can be tilted in the familiar fashion, wherein in the example shown in the figure, a synchronous mechanism is provided.

Fig. 2 shows the neckrest N of the present invention in detail in a cross-sectional view. More particularly, the base plate 2 of the backrest pad is snapped on to the backrest shield 1. A housing 9 is provided over a portion of the back of the backrest shield 1. The housing 9 includes a recess 9a. The housing 9 is attached to the backrest shield 1 via the fastening plate 10. Fastening occurs using four screws (not shown), which penetrate the fastening plate 10 and the backrest shield 1 and which are screwed into screw domes (not shown) of the housing 9. In the housing 9, the retaining rod 3 is seated via a molding 3a. The molding 3a rests against the friction dampening device 7 when under pressure. The friction dampening device 7 preferably includes a polyurethane rubber or PUR material. The friction dampening device 7 is preferably held in the dampening sleeve 8. The dampening

sleeve 8 is shaped from the fastening plate 10 in a combined cutting and bending process and the dampening sleeve 8 is preferably connected with the fastening plate 10.

Page 4, lines 9-17, please amend the paragraph, as follows:

The retaining rod 3 is designed so as to be circular in cross-section and curved along its length at a predetermined radius of curvature. The guide sleeve 4 is seated on the retaining rod 3 in a sliding manner, the guide sleeve 4 also being designed so as to be circular in cross-section and curved along its length with the same predetermined radius of curvature as the radius of curvature the circular cross-section, curved retaining rod 3. The headrest 5 is firmly attached on the end of the guide sleeve 4. The guide sleeve 4, and with it the headrest 5, can be height adjustable in a sliding manner on the retaining rod 2 by up to approximately 200 mm, but more preferably by approximately 150 mm and thus, as the guide sleeve 4 is slid up and down on the retaining rod 3, the headrest 5 is moving along a curved path according to the radius of curvatures of the retaining rod 3 and the guide sleeve 4. On one hand, the roller bearing elements 12, which consist of a polyurethane rubber or PUR material, cause the guide sleeve 4 to be moved easily. On the other hand, the roller bearing elements 12 remain fixed in the position adjusted by the user.

Page 4, lines 21-23, please amend the paragraph, as follows:

Fig. 3 shows the neckrest N of the present invention as shown in Fig. 2, However, the neckrest N shown in Fig. 3 has the head-rest 5 connected to the guide sleeve 4 via a joint including a rolling element 15 and a fastening device 16.

Page 5, line 13, please amend the heading, as follows:

List of Reference [Numerals] Characters

Page 6, line 9, please insert, as follows:

-- N Neckrest--.

### IN THE CLAIMS:

Please cancel claim 5, without prejudice or disclaimer, and amend claims 1-4, as follows:

1. (Amended) A neckrest for a chair having a backrest, the neckrest <sup>as shown in Fig. 1</sup> configured to be attached to a backrest shield of the backrest of the chair in a height-adjustable manner, the neckrest comprising:

a retaining rod being [circular in cross-section] curved along a length thereof at a predetermined radius of curvature and configured to be connected to the backrest shield via a movable connection so as to be tiltable by up to approximately 30° in a vertical plane vertically with respect to a backrest surface of the backrest;

a guide sleeve [being circular in cross-section] curved along a length thereof at a same predetermined radius of curvature as the retaining rod and being mounted on the retaining rod so as to be slidingly shiftable by up to approximately 200 mm on the retaining rod; and

a headrest connected to the guide sleeve, wherein when the guide sleeve is slidingly shifted on the retaining rod, the headrest moves along a curved path according to the predetermined radius of curvatures of the retaining rod and the guide sleeve.

2. (Amended) [The] A neckrest [of claim 1,] for a chair having a backrest, the neckrest configured to be attached to a backrest shield of the backrest of the chair in a height-adjustable manner, the neckrest comprising:

a retaining rod being circular in cross-section and configured to be connected to the backrest shield via a movable connection so as to be tiltable by up to approximately 30° in a vertical plane vertically with respect to a backrest surface of the backrest; and

a guide sleeve being circular in cross-section and being mounted on the retaining rod so as to be slidingly shiftable by up to approximately 200 mm on the retaining rod,

wherein the retaining rod includes a molding provided on a side of the retaining rod which is closest the backrest, the molding being seated in a housing having a recess, and the molding having a round surface which slides under pressure on a friction dampening device so as to achieve [said articulated] the movable connection.

3. (Amended) The neckrest of claim 2, wherein the friction dampening device is made of a polyurethane rubber [or] (PUR) material.

4. (Amended) [The] A neckrest [of claim 1,] for a chair having a backrest, the neckrest configured to be attached to a backrest shield of the backrest of the chair in a height-adjustable manner, the neckrest comprising:

a retaining rod being circular in cross-section and configured to be connected to the backrest shield via a movable connection so as to be tiltable by up to approximately 30° in a vertical plane vertically with respect to a backrest surface of the backrest; and

a guide sleeve being circular in cross-section and being mounted on the retaining rod so as to be slidingly shiftable by up to approximately 200 mm on the retaining rod,

wherein the guide sleeve includes roller bearing elements and a stop pin, the roller bearing elements aiding a sliding movement of the guide sleeve on the retaining rod, and the stop pin limiting a travel path of the guide sleeve on the retaining rod due to a stop on a stop lug of the retaining rod.

5. (Canceled).